

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 17, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33992 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: PK I RAINBOW PROMENADE, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/gt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Variance (V-0164-95).
2. This Variance (V-0164-95) shall be placed on an agenda closest to December 20, 2012 at which time the City Council may require the Off-Premise Advertising Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising Sign (Billboard) is removed.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. If the existing off-premise sign is voluntarily demolished, this Variance (V-0164-95) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of a previously approved Variance (V-0164-95) to allow a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) located within 200 feet of a residential zone at 2021 North Rainbow Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
11/18/87	The City Council approved a request for a Rezoning (Z-0100-87) from N-U [(Non-Urban), a portion under Resolution of Intent to R-3 (Limited Multiple Residence)] to C-1 (Limited Commercial) for a proposed Shopping Center with a Minor Auto Service and Repair Center of property located on the west side of Lorenzi (Rainbow) Boulevard between Lake Mead Boulevard and Smoke Ranch Road. The Planning Commission recommended approval on 10/27/87.
07/17/91	The City Council approved a request for a Special Use Permit (U-0123-91) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) located on the east side of the Oran K. Gragson Highway, approximately 560 feet south of Smoke Ranch Road. The Board of Zoning Adjustment recommended approval on 06/27/91.
02/15/95	The City Council approved a request for a Rezoning (Z-0174-94) from N-U (Non-Urban) to C-1 (Limited Commercial) of property located on the south side of Smoke Ranch Road and west side of Rainbow Boulevard. The Planning Commission recommended approval on 01/26/95.
08/10/95	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0174-94(1) and Z-0100-87(7)] for a proposed Commercial Shopping Center on property located on the south side of Smoke Ranch Road and west of Rainbow Boulevard.
12/20/95	The City Council approved a request for a Variance (V-0164-95) to allow an existing Off-Premise Sign (Billboard) to be raised to 55 feet and to be relocated within 200 feet of a residential zone where 300 feet is the minimum distance separation required. The Board of Zoning Adjustment recommended approval on 11/28/95.
02/21/01	The City Council approved a request for a Required Review [V-0164-95(1)] of an approved Variance (V-0164-95) that allowed an existing Off-Premise Sign (Billboard) to be raised to 55-feet and to be relocated within 200 feet of a residential zone where 300 feet is the minimum distance separation required at the south side of Smoke Ranch Road, east of U.S. 95 Freeway.

05/02/01	The City Council approved a request for a Special Use Permit (U-0033-01) for a proposed 60-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) at the southwest corner of the intersection of Smoke Ranch Road and Rainbow Boulevard. The Planning Commission recommended approval on 03/22/01.
05/14/09	The Planning Commission voted 5-0-1/gt to recommend APPROVAL (PC Agenda Item #8/ds).
<i>Related Building Permits/Business Licenses</i>	
02/21/96	A building permit (96003538) was issued for the installation of a billboard at 2201 North Rainbow Boulevard. The permit was finalized on 12/05/96.
03/28/96	A building permit (96392930) was issued for a new building at 2021 North Rainbow Boulevard. The permit was finalized on 01/27/97.

<i>Pre-Application Meeting</i>	
A pre-application conference was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
04/09/09	Staff conducted a field inspection of the subject site with the following observations: <ul style="list-style-type: none"> • The subject billboard had no embellishments, animated signage, or electronic displays. • All structural elements have been properly maintained and are screened from public view. • The signs and supporting structure appeared in good condition and do not require repainting or bird deterrents.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	6.88

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Theater/Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density	R-3 (Medium Density

		Residential)	Residential)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-1 (Limited Commercial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign does not have an embellishment and is 672 square feet in size.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 55 feet tall.	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements are screened from public view.	Y

Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is at least 750 feet from another Off-Premise Sign along the US-95 Freeway.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is 200 feet from property zoned for residential use.	N*
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located in property zoned for residential use.	Y

* The City Council approved a Variance (V-0164-95) that allowed the sign to be raised to 55 feet and be relocated 200 feet from residentially zoned property.

ANALYSIS

This is the second Required Review of a previously approved Variance (V-0164-95) that allowed an existing Off-Premise Sign (Billboard) to be raised to a height of 55 feet and be relocated within 200 feet of residentially zoned property where 300 feet is the minimum distance separation required at 2021 North Rainbow Boulevard. A research of building permit activity found that the billboard was constructed under sign permit #96003538, and received a final inspection on 12/05/96 under the address of 2201 North Rainbow Boulevard. During a site inspection, staff the sign and supporting structure in good condition with no discrepancies noted.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone, but is within the Off-Premise Sign Exempt Zone. The signs and supporting structure are in good condition. Staff finds there is no adverse impact regarding the continued use of the sign at this time; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 511 by City Clerk

APPROVALS 0

PROTESTS 5